

CITY OF EUREKA
CITY COUNCIL / EUREKA REDEVELOPMENT AGENCY
AGENDA

Regular Council/Agency Meeting
Tuesday, April 17, 2007
Closed Session - 5:30 p.m.
Regular Session - 6:30 p.m.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET
EUREKA

Adjourned Council/Agency Mtg.
Thursday, April 19, 2007
Closed Session - 5:30 p.m.
Regular Session - 6:30 p.m.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET, EUREKA

All persons in attendance at public meetings are requested to observe the following rules of civil debate:

1. We may disagree, but we will be respectful of one another.
2. All comments will be directed to the issue at hand.
3. Personal attacks are unacceptable.

ACCESSIBILITY NOTICE: The meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other special needs must be requested of the City Clerk at 441-4175 in advance of the meeting. This agenda and other materials are available in alternative formats upon request.

ROLL CALL

CLOSED SESSION NOTE: Closed Session will commence at 5:30 p.m. with a 6:25 p.m. curfew.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Forster-Gill, a California Corporation, and Scott Dunn v. City of Eureka et al., Case No. CV-070218.

Pursuant to California Government Code Section 54956.9(a)

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation: two potential cases.

Pursuant to California Government Code Section 54956.9(b)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City-owned property located at 2186 Tydd Street,

APN's: 002-191-0202 and 002-191-013

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating parties: Strombeck, Nilson, Pierson

Under negotiation: Price, terms and conditions.

Pursuant to California Government Code Section 54956.8

E. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for City of Eureka

Employee organization: Eureka Police Officers Association (EPOA),

Eureka Firefighters' Local #652 (EFL), Eureka City Employees'

Association (ECEA), and unrepresented management, mid-management, and confidential employees.

Pursuant to California Government Code Section 54957.6

REGULAR SESSION – 6:30 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

Presentation of Proclamations:

“Veterans Appreciation Month” May 2007

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

Councilmember Leonard: Recommendation of Council Subcommittee on Boards and Commissions:

1. Transportation Management Committee
2. Public Safety Advisory Board

Councilmember Kerrigan:

- Pedestrian safety issue regarding Harris and “K” Street
- Clarke District
- Keep Eureka Beautiful report – Street trees

BOARD/COMMISSION REPORTS

PUBLIC HEARINGS

1. Public Hearing – Unmet transit needs.

Recommendation: 1. Open public hearing regarding unmet transit needs within Eureka city limits.

2. Close public hearing.
3. Direct staff to forward a transcript of comments to the Humboldt County Association of Governments (HCAOG) for inclusion in the 2007-2008 Unmet Needs Report of Findings.
(Finance Director)

2. Public Hearing – Osier Side Yard Setback Variance; 1790 County Lane; APN 006-073-024; Appeal of action of the Planning Commission to deny the requested variance for construction of a garage with a 3-foot side yard setback (V-06-0017).

Recommendation: 1. Hold a public hearing.

2. Adopt the Findings of Fact in Exhibit A.
3. Overturn the March 12, 2007 action of the Planning Commission and uphold the appeal of the side yard setback variance.

(Community Development Director)

3. Bigger Mills Act application.

Recommendation: 1. Hold a public hearing.

2. Adopt the resolution authorizing the City Manager, on behalf of the City, to enter into a Mills Act contract with David and Jessica Bigger.
(Community Development Director)

PUBLIC COMMENT PERIOD

NOTE: This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

4. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.

5. Council meeting minutes.

Recommendation: Approve the Council/Redevelopment Agency Board regular and special meeting minutes of April 3, 2007 as submitted.

(City Clerk)

6. Claim for damages – Dow, Jennifer.
Recommendation: Reject the claim for damages – Dow, Jennifer.
(City Attorney)
7. Mayor's appointments to boards, commissions and committees.
Recommendation: Approve the Mayor's appointments and re-appointments to commissions with the following term expiration dates:

Open Space, Parks & Recreation Cmsn: Stephanie Lane	01/01/2011
Parking Place Commission: David Colon	01/01/2010
Parking Place Commission: Emmitt Bill Enos	01/01/2010
Parking Place Commission: Rahi Miraie	01/01/2011
Parking Place Commission: Robert R. Jones	01/01/2011

(Mayor)
8. Tri-County Independent Living Inc. Assistive Technology Expo & Disability Fair.
Recommendation: Waive Adorni Center building and use fees for the fourth annual A.T. (Assistive Technology) Expo & Disability Fair to be held October 5, 2007.
(City Manager)
9. Humboldt Sponsors Grant Award.
Recommendation: Accept \$3,500 in grant awards from the Humboldt Sponsors Organization in support of the Recreation Division's 2007 Summer Programs for Youth.
(Assistant City Manager-Operations)
10. Third quarter FY 06/07 Investment Report for the City of Eureka and Eureka Redevelopment Agency.
Recommendation: Receive and file the Quarterly Investment Report from January through March 2007 for the City of Eureka and the Eureka Redevelopment Agency.
(Finance Director)

11. 2007 Investment Report and policy update.
Recommendation: 1. Receive and file the 2007 investment report.
2. Adopt the Investment Policy for the City of Eureka, the Eureka Redevelopment Agency, and the Eureka Public Financing Authority
(Finance Director)
12. Authorization to purchase two pickup trucks for use by Police Service Officers.
Recommendation: Approve request to appropriate funds from Traffic Offenders funds to purchase two pickup trucks for use by Eureka Police Department Police Service Officers. (Chief of Police)
13. Account transfer from Special Fire revenues to Fire Suppression Overtime and Capital Equipment accounts.
Recommendation: Authorize the transfer of reimbursements from "Assistance by Hire" services provided by Eureka Fire this past summer to the OES Fire and Rescue Branch of the State of California into the Fire Department's Suppression Program, "Overtime" and "Capital Equipment" accounts.
(Fire Chief)
14. Ryan Slough Pump Station Improvements, Bid No. 2007-07.
Recommendation: Accept this project and authorize the filing of a 'Notice of Completion' at the Office of the County Recorder. (City Engineer)
15. Jacobs Ave. Lift Stations Drywell Conversion Project, Bid No. 2007-01.
Recommendation: 1. Council declare Mercer-Fraser Co. the low bidder on the Jacobs Ave Lift Stations Dry Well Conversion project.
2. Council award Bid No. 2007-01 to Mercer-Fraser Co for the amount of \$225,000 and approve \$260,000 for construction, which includes a contingency of approximately 15%.
(City Engineer)

16. Addendum #1 to the Supplemental Program EIR for the Enterprise Zone Extension Application (SCH# 1985050701) for the 2006 Enterprise Zone Project.

Recommendation: Adopt resolution: "Resolution of the City Council of the City of Eureka adopting and making findings as to Addendum #1 to the Final Supplemental Program Environmental Impact Report SCH #1985050701 for the 2006 Eureka Enterprise Zone Project and approving the project."

(Community Development Director)

17. Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with Humboldt County Office of Education HCOE) – 7th Street Villa.

Recommendation: 1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement with Humboldt County Office of Education (HCOE) to develop affordable housing on Agency-owned parcels (APN's 001-253-010, 001-253-011 & 001-253-012) located within the City of Eureka.

2. Authorize the execution of an Exclusive Right to Negotiate Agreement between Humboldt County Office of Education (HCOE) and the City of Eureka Redevelopment Agency.

(Redevelopment & Housing Director)

18. Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with Center for Environmental Economic Development (CEED).

Recommendation: 1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement with the 501(c)(3) tax exempt, non-profit Center for Environmental Economic Development (CEED), to develop an environmental technology hostel on a portion of an Agency-owned parcel (APN 002-241-011, known as the Halvorsen Site) located within the City of Eureka.

2. Authorize the execution of an Exclusive Right to Negotiate Agreement between CEED and the City of Eureka Redevelopment Agency.
3. Upon formation of the CEED “Successor Entity” direct staff to come back to Council with a new ERTN request.
(Redevelopment & Housing Director)

19. Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with Pierson & DeBeni – Waterfront Hotel.

- Recommendation:
1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement with Gregory E. Pierson and Larry A. DeBeni to develop a mid-scale lodging facility such as the Hampton Inn or its equivalent on Agency-owned parcel (APN: 003-062-027) located within the City of Eureka.
 2. Authorize the execution of an Exclusive Right to Negotiate Agreement between Gregory E. Pierson and Larry A. DeBeni and the City of Eureka Redevelopment Agency.
(Redevelopment & Housing Director)

ORDINANCES/RESOLUTIONS

20. Utility User Tax Ordinance.

- Recommendation: Waive reading, read by title only, and adopt Bill No. 766-C.S., an ordinance amending Chapter 35 of the Eureka Municipal Code relating to the Utility Users' Tax.
(Finance Director)

REPORTS/ACTION ITEMS

21. Access Humboldt update and progress report regarding implementation of City's cable TV franchise with Suddenlink.
(City Manager)

22. Tree-lined City resolution.

Recommendation: Discussion and possible action regarding Resolution No. 2002-04 adopted January 15, 2002, titled: "Resolution of the Council of the City of Eureka establishing the City of Eureka as a Tree-lined City."

(Councilmember Kerrigan)

23. Eureka Redevelopment Agency Non-profit Revolving Loan Fund Policy.

Recommendation: The establishment of a Non-Profit Loan Policy is not recommended.

(Redevelopment and Housing Director)

24. Report on Residential Recovery Facilities Conference attended in March 2007.

Recommendation: 1. Receive report on a recent conference attended by staff concerning over-concentration of group homes and treatment facilities in California cities and neighborhoods.

2. Direct staff to provide letters in support of State legislation seeking to address concerns of California cities about over-concentration of group homes and treatment facilities.

(City Manager)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

ADJOURNMENT

NOTE: If open session items cannot be completed by 10:00 p.m., the meeting will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.

If closed session items cannot be completed by 6:25 p.m., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.